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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

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AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

AUG 25 2004

DOCKETED BY

*SO*

IN THE MATTER OF THE APPLICATION OF  
MCIMETRO ACCESS TRANSMISSION  
SERVICES, LLC, FOR APPROVAL OF AN  
AMENDMENT FOR ELIMINATION OF UNE-P  
AND IMPLEMENTATION OF BATCH HOT CUT  
PROCESS AND QPP MASTER SERVICE  
AGREEMENT.

DOCKET NO. T-01051B-04-0540  
DOCKET NO. T-03574A-04-0540

PROCEDURAL ORDER

BY THE COMMISSION:

On July 28, 2004, MCImetro Access Transmission Services, LLC ("MCImetro") filed an application seeking the Commission's approval of a negotiated amendment to an Interconnection Agreement between MCImetro and Qwest Corporation ("Qwest")<sup>1</sup>, for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts, and for approval of a QPP Master Service Agreement.

On August 6, 2004, Qwest filed a Motion to Dismiss Application for Review of Negotiated Commercial Agreement (with Alternative Request for Intervention). Qwest argues that the QPP Master Service Agreement ("QPP Agreement") is a Commercial Agreement that does not alter the terms of the existing Interconnection Agreement between Qwest and MCImetro and does not create any terms or conditions for services that Qwest must provide under Sections 251(b) and (c) of the Telecommunications Act. Qwest contends, therefore, that the QPP Agreement is beyond the scope of the Commission's jurisdiction and should be excluded from consideration in MCImetro's pending application.

On August 13, 2004, Qwest filed a Request for Suspension of 30-Day Time Clock pursuant to A.A.C. R14-2-1508<sup>2</sup>. Qwest requests suspension of the applicable time clock rules so that the

<sup>1</sup> The underlying Interconnection Agreement between MCImetro and US WEST Communications, Inc., was approved by the Commission in Decision No. 60308 (July 31, 1997).

<sup>2</sup> A.A.C. R14-2-1508 provides that amendments to interconnection agreements that are not rejected by the Commission within 30 days of filing will become effective.

1 Commission will have sufficient time to consider Qwest's Motion to Dismiss.

2 On August 17, 2004, AT&T Communications of the Mountain States, Inc. and TCG Phoenix  
3 ("AT&T") filed a Motion to Intervene and a Response to MCI's Application for Review and  
4 Approval and Qwest's Motion to Dismiss. AT&T argues that the QPP Agreement was properly  
5 submitted for the Commission's approval in accordance with the Telecommunications Act and  
6 Commission rules. AT&T also contends that a number of other state commissions have required  
7 similar agreements to be submitted for approval. Accordingly, AT&T asks that Qwest's Motion to  
8 Dismiss be denied.

9 IT IS THEREFORE ORDERED that Qwest's Motion for Suspension of the 30-Day Time  
10 Clock, pursuant to A.A.C. R14-2-1508, shall be granted.

11 IT IS FURTHER ORDERED that AT&T and Qwest shall be granted intervention in this  
12 proceeding.

13 IT IS FURTHER ORDERED that MCImetro shall submit a response to Qwest's Motion to  
14 Dismiss by no later than September 10, 2004.

15 IT IS FURTHER ORDERED that the Commission's Utilities Division Staff shall submit a  
16 response to Qwest's Motion to Dismiss by no later than September 10, 2004.

17 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,  
18 amend, or waive any portion of this Procedural Order by subsequent Procedural Order or by ruling at  
19 hearing.

20 DATED this 25<sup>th</sup> day of August, 2004.

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22  
23 

24 DWIGHT D. NODES  
25 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE  
26  
27  
28

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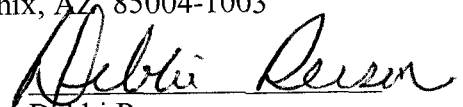
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